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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I now move, Mr. President, with your leave, that these Standing Orders may be passed under a procedure analogous to Standing Order No. 49 (1)."

The hon. the RAJA OF KOLLENGODE :—" I second it."

The hon. the PRESIDENT :—" The motion before the House is that the amendments to Standing Orders, as printed on the paper, be passed by this House."

The motion was put and carried and the amendments to the Standing Orders were passed.

The hon. the PRESIDENT :—" We now come to the second amendment, of which notice has been given by the hon. Member, Mr. T. M. Narasimha-charlu. Under Standing Order 76, I have to read the draft amendments.

"The draft amendments to Standing Order No. 44 (1) (i) run as follows :—

(1) *For* the words 'a copy of the report has' *substitute* the words 'the copies mentioned in Standing Order No. 42 have'.

(2) *For* the word 'seven' *substitute* the word 'fifteen'.

"I ask whether the hon. Member has the leave of the Council.

1 p.m. (After a pause) "Since no one has objected, the hon. Member has the leave of the Council and we have now to proceed on the footing of Standing Order No. 77, which says :

'Where a Member has the leave of the Council to proceed, the draft amendments shall be referred to a Select Committee of which the President shall be chairman, and of which the Deputy President, the Advocate-General (when he is a Member of the Legislative Council) and a chairman of the Council to be nominated by the President shall be members. The remaining members who shall be six in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President.'

"It is usual for hon. Members who wish to nominate candidates for the Select Committee to hand in their nominations to the Secretary by a particular hour of the day ; I therefore fix 3 p.m. to-day as the hour by which nominations should reach the Secretary. Then, we shall proceed to carry out the rules in respect of voting."

XIV

DRAFT RULE UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920.

The hon. the RAJA of PANAGAL :—" Mr. President, I beg to move—

That the following draft of the rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering Schedule VI of that Act be approved :—

DRAFT RULE.

In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rule altering Schedule VI of the said Act :—
'In the list of dangerous diseases specified in Schedule VI the following amendment shall be made, viz. : At the beginning of this Schedule before

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the item "Anthrax" the item "Acute Influenzal Pneumonia" shall be inserted, as also between the items "Plague" and "Smallpox" the item "Relapsing fever".

"When this Resolution was moved on the 29th November last, a question was raised whether influenza was a dangerous disease, and it was pointed out that it was not a dangerous disease until it developed itself into an acute influenzal form. It was also pointed out that until it reached a dangerous stage it is inadvisable that it should be classed as a dangerous disease. It was therefore considered that only that particular form of the disease should be included in the category of dangerous diseases. The Surgeon-General was consulted in the matter, and he suggested that 'Acute Influenzal Pneumonia' can be brought under the class. Sir, in the present amendment the particular stage of influenza alone is contemplated."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI seconded the motion.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, it has been said that the Surgeon-General was consulted and that he approved the term. I think that it is necessary to convince this House as to the necessity for introducing these words into the statute itself and that the hon. the Minister should place the necessary facts before us. On a former occasion, in the course of the debate, it was said by the Secretary for the Local Self-Government Department that a notification was issued regarding municipal areas. I believe the statement is not correct. According to the definition in the Madras City Municipal Act, dangerous diseases are defined to be such as are notified by the Government and therefore the distinction which he made is with regard to the Corporation of Madras. It may be that the Government, under the definition, is unable to issue a notification declaring these two diseases as dangerous ones in the City of Madras. But, as far as the District Municipalities Act is concerned, dangerous diseases are enumerated in Schedule VI of the Act, and the proper way of adding to the list of dangerous diseases under the District Municipalities Act is not by a notification but by an amendment of the Act. As far as I am aware, no such amendment has been carried out in this House, and if at all anything is done it may be a confusion of ideas."

The hon. the RAJA OF PANAGAL :—"May I point out that, so far as the District Municipalities Act is concerned, the amendment can be made by a rule and that a rule has been passed by G.O. No. 1694, Public Health, dated 11th October 1923, which deals with this question? The rule has been notified."

Mr. P. L. MOORE :—"May I say a word as to the exact position in regard to the three Acts? As for the Local Boards Act, under section 201, any change has to be done only by this Council; under section 304 of the District Municipalities Act, the change can be done by Government; and in the City Municipal Act, under section 329, the change can again be made by Government. It will therefore be seen that it is only in the case of the Local Boards Act that it is necessary to come to this Council for approval where any similar changes have to be made."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"My objection is as to the necessity of having these diseases added to the list of dangerous diseases in rural areas. It may be that the Government might have been advised by

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their expert officers that these two diseases must go along with the other diseases in the list. But I am not satisfied as to the necessity of having these diseases added to the list. What is the experience, and what are the circumstances which necessitated the inclusion of these two diseases under the dangerous diseases? Are there any instances where in actual administration they found the necessity for including these diseases in the list and where in the absence of these being on the list a spread of the disease has taken place? I am not therefore convinced as to the necessity for this change at this stage.

"Then regarding the dangerous nature of the disease and as to how it can be administered in rural areas, I have great doubts. Because even a man of ordinary education, I believe, will not be able to diagnose what acute influenzal pneumonia is, and much less in the case of relapsing fever. Of course, if we read carefully the sections of the Local Boards Act, many obligations are thrown on the people as to how they should satisfy the conditions of the statute once the disease is included in the list. We know that there is not good medical help or advice available in rural areas. The only consequence of putting these diseases in the list will therefore be to give a handle to the Health Inspector or District Health Officer, when he goes to the village, to say that such and such a man who is suffering from relapsing fever entered a public place and that he is liable to be prosecuted. My sole objection, therefore, is that as long as sufficient knowledge has not spread in rural areas administration of this change will be impossible, and this will only create discontent. If there is a real need for this, and if the local bodies desired as a matter of fact that in the course of administration they found that these diseases should be classified as dangerous diseases, I can understand it. But I do not think the move has come from the local bodies in the course of administration. It may be due to an idealistic doctor that might have said that these two diseases also must be classified as dangerous diseases. If that be the case, I have got very serious objection for including these diseases."

Mr. J. A. DAVIS :—"Mr. President, Sir, we feel the necessity for including both these diseases in the Municipalities Act, as we have had very serious outbreak of both influenza and relapsing fever. We received very large amounts from Government, and we found that we were wasting the money without having some powers to bring these diseases within the Municipalities Act. We are also sending a special Resolution to the Government asking them to include the two diseases in the Act. I can tell the House that a real necessity has been found for inclusion of these diseases, so far as Ootacamund and the Ootacamund municipality is concerned."

Mr. P. PEDDIRAJU :—"I think the hon. Member, Mr. Davis, has misunderstood my hon. Friend, Mr. Narasimha Raju. Mr. Davis spoke of including this in the case of municipalities. Mr. Narasimha Raju has no objection in respect of municipalities, but his point is that these diseases should not be included in the Act applicable to rural areas. Honourable Members are aware that village doctors cannot diagnose these diseases. Inclusion of these diseases in the schedule will therefore lead to oppression by subordinate officials. So, I also strongly object to the inclusion of these diseases in the Local Boards Act."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I only wish to point out the effect which the inclusion of these diseases will produce. Nobody objects

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to the insertion of these words in the list of dangerous diseases so far as it does not create any special hardship in rural areas. We are not now concerned with the question as to whether these diseases are to be included as dangerous diseases or not. That is not the problem. The question is, whether if these diseases are included in the Local Boards Act, this provision will be put into operation as in the case of the other operative portions of the Act. The moment this change is made, persons will become liable to certain disabilities under the provisions of the Local Boards Act. Even among many well-known practitioners and doctors at Madras, there has been a difference of opinion as to the forms of influenza and as to which form is dangerous and which is not. We have to consider what special precautions have to be taken if it becomes necessary for us to have the same identical provision included in the rural areas to ascertain the exact name of the disease. Can it be reasonably expected that persons in rural areas will be in a position to diagnose whether a disease comes under a particular definition or not and render themselves liable to the provisions of the Local Boards Act? It will be found that the sections of the Local Boards Act which have a bearing on the question are sections 130 to 136. It is stated that at any moment the president of the taluk board in non-union areas or the president of the union board in union areas may inspect any place in which any dangerous disease is reputed or suspected to exist, and he is given certain powers of entry for purposes of disinfection. Later on he has to notify places for washing and disinfection.

1-15 p.m. " Then, persons suffering from the disease are prohibited from carrying on certain occupations under section 133. Section 134 says, that a person cannot enter a conveyance, nor can he travel in a public conveyance and the driver is not bound to take him. Then again we find that power is given to courts to punish even the driver who conveys such men and they will be liable to penalty of Rs. 50. A further penalty provided for in section 134, sub-section 5, which levies a fine to cover the loss and costs of the driver to disinfect any conveyance that the person may have used.

" In view of these provisions of the Local Boards Act affecting persons in the rural areas I would advise the hon. the Minister to pause and wait before he tries to incorporate this provision in the Act. Also we must first try how it works in the City Municipalities. I understand that reference has been made to the Corporation, and we should therefore wait for the result of that reference. That will be the first stage. And then the time will come for these provisions to be incorporated in the District Municipalities Act. They are fairly advanced. In the towns we have got hospitals; and they will be in a position to diagnose and advise the authorities as to what has to be done before it is extended to the rural areas. Our attention has been drawn to this only in October 1923 so far as the municipalities are concerned, and we have no information as to the working of it in the Corporation. But the time will come for the hon. the Minister to consider whether it cannot be inserted in the Local Boards Act, after it has been in operation in the cities and towns, where it is possible to have expert medical aid. In a matter of this description, the best course is that the hon. the Minister will wait and consult the local bodies. It is they that have to administer the provisions; and before consulting them as to the preliminary steps it is not possible to

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introduce these amendments into the Act, especially when the provisions are such as will prejudicially affect persons in rural areas. I would make a suggestion that it is inopportune for the hon. the Minister to have this introduced into the local areas, before ascertaining how it has worked in the towns."

The hon. the RAJA OF PANAGAL :— " Sir, my hon. Friend, Mr. Krishna Rao, has, I am afraid, altogether misunderstood the attitude of the Government. The Government in introducing this amendment have been actuated by the best of motives. In certain areas the ravages from 'relapsing fever' have been very serious and unless some check is effected in the spread of the disease, the disease is likely to assume dangerous dimensions. My hon. Friend wants that we should have the lead from the local boards. It is a scientific question, and I think the opinion of experts is more useful in solving the question. I have only to tell him that in all civilized Governments we have such diseases classed under 'dangerous diseases' and restrictions are imposed in their case. He argued that as yet we have not seen the results of the inclusion of these diseases in the case of the municipal areas. That argument does not appeal to me. Why should we wait and allow the spread of the diseases? As to the argument for the inclusion of these diseases in the category of dangerous diseases we have already had other diseases classed as 'dangerous' and there has been no abuse of application in their case. Similarly in the case of the new diseases which have been classified as dangerous there need not be any abuse in the working of the rules. In these circumstances, I think we have a strong case for introducing the amendment."

Rao Bahadur C. NATESA MUDALIYAR :— " Sir, I am convinced of the necessity of inclusion of 'relapsing fever' in the municipalities or in the local board areas. It is a very dangerous thing and we had to struggle hard in the Corporation to deal with such cases. But may I request the hon. the Minister to delay this thing till he gets the opinion of the local boards? "

The hon. the RAJA OF PANAGAL :— " Sir, the speaker that has just sat down was one of those who accepted the proposition that 'influenza' is 'dangerous', when it is complicated with pneumonia, and it was on his advice that the question was referred to expert authorities. Now I cannot understand why he should object to this amendment. We have these diseases classed as dangerous in other civilized countries."

Rao Bahadur C. NATESA MUDALIYAR :— " I have not objected to it Sir, but in fact I am supporting it. I only wish that he respects the opinion of the local boards. In fact I want this provision to be made in the case of the Madras Corporation immediately."

Diwan Bahadur P. KESAVA PILLAI :— " May I say a word, Sir? In our district we have had relapsing fever and it was confined only to the depressed classes. The cure that was effected was the shaving of the heads and getting rid of the lice which spread the infection. They required a little bit of nursing, they required food and a little bit of clean clothing. It did not spread to the other class of people. We have to spend some money only to feed them and to give them good diet, and keep them cleanly. That seems to be the cure for relapsing fever. I think that the opinion of the district boards and the local boards should be obtained before it is laid down in the Acts because, as some hon. Members have expressed, it might be worth consulting them. So far as the relapsing fever is

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concerned it does not spread to other people but it remains with the Madigas who are very squalid, who have no oil in the hair and no water to clean."

The hon. the RAJA OF PANAGAL:—"Sir, I will just mention to my Friend, the hon. Member for Anantapur, that Badagas have been suffering very seriously from relapsing fever, and they do not belong to the depressed classes, they are agriculturists."

Diwan Bahadur P. KESAVA PILLAI:—"Are they clean people?"

The hon. the RAJA OF PANAGAL:—"Yes, they are fairly clean, as clean as other agricultural classes."

Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, I wish to make one observation. I think the objections raised by my hon. Friends, Messrs. Krishna Rao and Narasimha Raju, with regard to the evil effects of such inclusion in the schedule are not quite well-founded. I know that we have a health establishment and health officers are now travelling through very many rural areas, but the complaint is that they or other members of their staff do not go often into the rural areas and diagnose the strange, new diseases or epidemics. As regards relapsing fever it has already worked very great havoc in the cherries, and if we are to wait for the information of the local boards a good deal of time may be wasted. 'Influenzal pneumonia' in the rural areas is, as the ryots say, a quick-killing fever, very dangerous, and quacks are not able to diagnose it. But the health establishment may. Therefore there is no harm in both these diseases being included in the schedule. Then there will be pressure on the health establishment and they will go into these corners to inspect and diagnose the disease. I think the sooner it is done the better it would be. It would have the effect of making the health establishment, as it is or better, much increased, to go round and make the necessary diagnosis, and see that the ravages of the diseases are put down. It will be better for the Council to put down this fatality very early. In fact in some villages it is impossible for agricultural operations to be carried on."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"There seems to be some confusion in the matter. There is no difference of opinion whatever as regards the dangerousness of these diseases. Relapsing fever may be very bad, influenzal pneumonia might be worse still. But the difficulty is only with regard to the administration of the Act if these two diseases are included. So far as relapsing fever is concerned, I think many in this House will be prepared to admit that they know very little about it, what it is, etc. As regards the other disease 'influenzal pneumonia' I think that the difficulty is as to the diagnosis which will be a matter of extraordinary difficulty. The hon. Member for Trichinopoly will remember that for the whole district of about seven or eight thousand square miles there is only one health officer. I would ask whether it is possible for him to go into every corner and diagnose the disease, either in the case of the relapsing fever or influenzal pneumonia. It is a matter which anybody can see, will be impossible. So, it is not that we do not consider the diseases dangerous, but it is the impracticability of the working of the Act, if the amendment is inserted, that is involved in our consideration. As I said, influenzal pneumonia is a disease very difficult of diagnosis. When it develops it becomes something else, but at what stage it is pneumonia and at what stage it is really

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dangerous and should come under the category of 'dangerous', is very difficult for even trained doctors to easily say. It is not upon the very able western doctors that we have to depend, but upon the native physicians who should bear the responsibility of finding out whether a particular disease in a particular area is dangerous; and this I submit is a very difficult matter and will cause great hardship to the poor people. We have got, it is said, a health department; and if we pass this amendment they may probably find work, and make themselves busy in administering it, with what results, we can very easily foretell. After all they are only the old 'vaccinators' now called health officers. If they are to administer these Acts, whether we will be justified in allowing these inspectors to work out the Act in the rural areas is the question which we have to consider here. These diseases are of course dangerous but there is no agency sufficient in the rural parts and it is not likely that for some time to come we can help the villagers to have these properly diagnosed, and assist them in taking proper precautions. It is for these reasons that I have to oppose the motion that has been brought forward.

1-30 p.m. "I would suggest to the hon. the Minister for Local Self-Government that, if he is prepared to take my suggestion, he will do well to take up the very large number of amendments to the Local Boards Bill which have been neglected for months. I hope they will be taken soon and till then this amendment may also lie over. For these reasons I am inclined to oppose this motion."

Mr. P. L. MOORE :—"The speech of the hon. Mr. Narasimha Raju and the speeches of other Members have clearly shown why it is that they object to the powers proposed to be taken. They have shown that their object in opposing the amendment is not so much an objection to the rules as such, as a feeling that hardship will result in the actual operation of those rules. I can quite realize their fears. If we look at the sections of the Local Boards Act regarding 'Dangerous Diseases'—section 131 and the following sections—it will be clear to anyone with any knowledge of the conditions of life in rural India that such powers, if abused, could be a source of a real hardship to the people, but I would ask hon. Members of this House to think whether they have ever known of a case in which the subordinates of the Public Health Department have gone about the country prosecuting persons for these offences during the continuance of an epidemic, say, cholera or smallpox. I think the House must recognize the necessity of Government to arm themselves with these drastic powers. The whole thing is in the manner in which the powers are exercised. I am quite sure that the hon. the Minister would without any hesitation give an assurance that these rules will be carried out with sympathy and there will be no coercion of the people. I was glad to hear in the discussion regarding the rules for the inspection of the trunk roads the opinion of the hon. Mr. Krishna Rao that though the rules are stringent the way in which they are carried out by the officers of the Public Works Department is unexceptionable. I am quite sure that the same will be said of the way in which these powers will be exercised by the Health Department."

Mr. R. VEERIAN :—"I should like to offer a few remarks on this motion. My hon. Friend, Mr. Arpudaswami Udayar, has rightly said that the relapsing fever is a very dangerous epidemic. It is true, Sir, that it

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carries away many men. It is true, Sir, that in municipalities several innocent and good people have been carried away by this disease. In Coimbatore district also several people fell victims. Well, Sir, we have got village officers and village menials in every district. But, Sir, whenever a member of the depressed classes is dying, they think that some angel or spirit is at work. Sir, I am sure this rule will protect the lives of a large number of the depressed classes. As there will be health officers and health inspectors in each district, I do not think there will be much difficulty in facing these dangerous diseases. I am sure the House will support the amendments and see that they do not suffer for want of support. With these few remarks, I support the motion."

Mr. P. ANJANEYALU:—"Mr. President, Sir, the hon. Member, Mr. Moore, said that a large number of lives are saved by the precautions of the health officers and others in respect of diseases like smallpox and plague. In the rural areas people do not mix with the patients suffering from smallpox and cholera not because that the gentlemen like health officers and others are armed with powers but because smallpox and cholera are very dangerous diseases. Out of self-preservation no one will allow a man suffering from smallpox and cholera to approach him. But these two diseases, namely, acute pneumonia and relapsing fever, are things in which eminent doctors differ in their diagnosis. That being the case, we are putting a powerful weapon in the hands of possibly unscrupulous ill-paid agency who do not go to give relief but only to penalize. If they enter a house for purposes of disinfection or for giving some information in regard to the nature of diseases just in the case of influenza, that is well and good. But here we are putting in the schedule two diseases whereby, if a man unconsciously or unknowingly suffers, he is taken to task and penalized in rural areas. There is no agency to tell them anything about these diseases and give them succour. It is quite possible from our experience in the rural areas in other matters especially in the early days of plague that these powers will be ill-used. We believe that the same thing will occur over again and therefore the opinion of the local bodies may be consulted to see how far it will be practicable for them to wield these powers. If it is possible to diagnose the disease and if the people do not obey the instruction given by the authorities, then it will be time enough to penalize. I hope the hon. the Minister will see his way to at least postpone the measure for future consideration, especially in view of the fact that he is going to bring in a Bill to amend the Local Boards and Municipalities Act."

At this stage (1-40 p.m.) the House rose for lunch.

After lunch—2-30 p.m.

The hon. the RAJA of PANAGAL:—"Sir, I have already replied to the various points raised in the debate and there is nothing more for me to add now, except that if these diseases are classified as dangerous diseases, it is not the idea that the operation of the rule should in any way unnecessarily inconvenience the people. The rule is intended for the good of the people. The object is to prevent the spread of the dangerous diseases. Government want to have power to deal with cases of this nature whenever these dangerous diseases begin to spread. I do not therefore think that hon. Members need have any apprehension as to the abuse of the rule."

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"It has been said that the Government should in these matters consult the local bodies. This is a matter of a purely technical nature and the Government are generally guided in such matters by the opinions of experts. If it is not a matter of purely technical nature, Government would have welcomed the suggestion to consult the local bodies. But in the present case I do not think Government would do well to take the advice of local bodies against that of the experts."

The motion was put and carried.

XV

NOMINATION OF MEMBERS TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

The hon. Sir ARTHUR KNAPP :—"Mr. President, I have the honour to move :

That with reference to G.O. No. 55 Ry., dated 10th December 1923, this Council do accept the invitation to nominate two members of the Advisory Committee of the Madras and Southern Mahratta Railway and request hon. the President to make such arrangements as he deems fit for enabling the Council to make its selection.

"The circumstances under which I make this motion are clearly set out in the Government Order to which reference is made and which has already been placed on the table of this House. At the instance of the Railway Board, the various Railway Companies in India have decided to set up local advisory councils to advise the Agent on such details of railway management as may be referred to them. The Madras and Southern Mahratta Railway has decided to appoint an advisory committee of ten of whom one member has been elected by the Corporation of Madras, one by the Chamber of Commerce, one by the South Indian Chamber of Commerce and one by the Indian Passengers' Association, while there are also members to represent the Government of Bombay, the Government of Mysore and the Government of Madras. To complete the committee the Agent has intimated that he will be glad to have two Members of the Legislative Council of the Government of Madras to be appointed by the Government. The Government on the other hand consider it very much better, that while the nomination might nominally be in their hands, the selection should be made by this Council. Temporarily, during the last few months, these places have been filled by two Members of the last Council who were nominated by the Government as the Council was not at that time sitting. We now take the earliest opportunity of asking the Council to accept the invitation and select two of its Members. If the Council sees fit to adopt that proposal I have to request you, Mr. President, to make such arrangements as you deem fit for enabling the Council to make its selection."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it".

The motion was put and carried.

The hon. the PRESIDENT :—"It remains for me to lay down the method by which the election shall be held. I would suggest that hon. Members hand in nominations to the Secretary before 5 p.m. to-day. Ballot papers will be distributed to them at any convenient time to-morrow and an election will then be held. The election will be by the ordinary method—not by the single transferable vote."